



ANGLING TRUST

Guidance Note HS V1

Health and Safety

Riparian Owners, Fisheries and Clubs

Responsibility

A Fishery, Club or Riparian Owner providing a service for anglers and others, you have a Duty of Care to your staff, volunteers, customers and members alike. This Duty of Care is defined as 'a moral or legal obligation to ensure the safety or well-being of others. It means you must take all reasonable measures to protect those using your fishery or members of your club, from foreseeable harm. This, in many cases, will be reinforced by several layers of Legislation, not the least being, the Health and Safety at Work Act 1974, Management of Health and Safety at Work Regulations 1999, the Construction Design and Management Regulations 2015 and Civil Law.

This may appear onerous, but your duty of care can easily be discharged if you take all reasonable steps to mitigate for, or raise awareness of, any hazards that could result in harm.

In most cases you should carry out and record a simple Risk Assessment to identify the Hazards and include what reasonable and practical mitigation you have carried out to reduce the Hazard itself or mitigate it to reduce the impact to an acceptable level.

In this Guidance Note we will further explain your responsibilities, the legislation and how it may apply to you, cover the basic steps of Risk Assessment, and offer guidance on likely hazards.

Where an angling club is not the freeholder of the property and simply has a lease or licence for a fishery it will be important to establish just who is responsible for both natural and other features before attempting to remedy the problem. However, whether or not a member club actually owns a hazard feature there is no doubt that it and its officers have a responsibility and duty of care to its members and others.

Risk Assessment

What is a risk assessment? The Health and Safety Executive (HSE) says: "A risk assessment is nothing more than a **careful examination of what, in your work, could cause harm to people.**"

The emphasis here being 'in your work', but this process similarly applies to facilities and services that will be accessed and used by others. You also have a duty of care to volunteers that carry out tasks on your behalf.

This is an extract from the HSE Guidance [Risk assessment: A brief guide to controlling risks in the workplace INDG163 \(hse.gov.uk\)](https://www.hse.gov.uk/indg163/) *A risk assessment is not about creating huge amounts of paperwork, but rather about identifying sensible measures to control the risks in your workplace. You are probably already taking steps to protect your employees, but your risk assessment will help you decide whether you have covered all you need to. Think about how accidents and ill health could happen and concentrate on real risks – those that are most likely, and which will cause the most harm. For some risks, other regulations require particular control measures. Your assessment can help you identify where you need to look at certain risks and these particular control measures in more detail. These control measures do not have to be assessed separately but can be considered as part of, or an extension of, your overall risk assessment.*

There are many variations of the basic steps of good risk assessment, but the following will provide a straightforward approach.

1. Identify the Risk.
2. Evaluate the Risk.
3. Treat the Risk.
4. Communication.

Identify the Risk

Walk the facility, riverbank or lake and record what you consider may be a hazard that could result in harm. Similarly, review any activities that are likely to take place under your control, such as working parties. If you are having new facilities constructed, walkways, footpaths, fencing or a clubhouse for instance, this will be defined as 'Construction' with additional requirements. This is covered in our presentation: [Guide to Health Safety Requirements for Projects & Working Parties](#) [42:40 onwards]

Evaluate the Risk

Decide the severity of the hazard, should you take action to remove or reduce the hazard or simply raise awareness.

Treat the Risk

Determine what action you could take to remove or reduce the hazard to an acceptable level.

Communicate the Risk

Ensure all those that may be impacted by the remaining hazard are informed of its presence and are aware of the mitigation.

Example.

1. If there are overhead electrical power lines running across your lake it would not be reasonable and practicable to remove the hazard by having the power turned off, so you may wish to exclude the pews under or close to the power lines. In this case you should consult with the local power company to advise you on what might be a safe distance where anglers can fish with poles and rods. This hazard is also increased during damp or storm conditions. You will also need to install signage to raise awareness and inform the anglers of the danger, usually this will be supplied by the power company free of charge at request.
2. Beach anglers will be fishing in a common natural environment, accessed by members of the public and the risk of a line break during casting could result in 120g of lead becoming a lethal missile. It may not be practical to close the beach to the public, in this case you may advise your members to use a shock leader of stronger line to reduce the risk of a line break. This is sensible and reasonable mitigation.
3. In flood conditions access to particular swims may not be safe due to steep banks and flooded access. Rather than remove the hazard by closing the entire fishery, you may wish to restrict access to these swims or fields in the event of flooding.. You must inform your members or visiting anglers. In this case signage at the entrance to the fishery is the principal means, but social media can play a major part in raising awareness and possibly a general statement on your membership book or day ticket that these fields may not be accessible in flood conditions. You will have carried out sensible and reasonable mitigation just by raising awareness.

4. There may be a risk of lightning strike, you are not in a position to remove the hazard, but you could inform your anglers on their membership cards or day tickets, that that in these conditions they should stop fishing as the risk is enhanced by the conductivity of fishing rods and poles. So simply by advice and awareness you have sensibly mitigated the risk.

Records

By using the risk assessment process, you will be forming a record of all foreseeable hazards on your fishery or in your facility. This in itself can be used as a reference document to inform all those using your fishery. Particularly in the case of a working party where the work itself will create additional and specific hazards and the risk assessment can be reviewed when you brief the team before the work commence. In future your insurers may request to see a copy of your Risk Assessment to satisfy themselves that you are taking all reasonable action to manage risk.

In this paper we have published the basic advice for assessing Risk for your Club, Fishery or Riparian Owner. It is not exhaustive, but to assist you in the basic principles of risk management. There is further and more detailed advice on the HSE Website covering Risk Assessment, event management and volunteers. You may find that a member of your club or colleague has some expertise to assist and advise in the development and use of risk assessments, or you may decide to engage with a suitable consultant.

We have included an example of a basic Risk Assessment record sheet template for you to complete in the appendix of this document. [A more detailed template is available on the Angling Trust website](#). Whatever type of record sheet template you use, it is the record of your assessment and mitigation. Carrying out the assessment and reducing the hazard, is the most important aspect.

The purpose of assessing risk and doing something about it, will reduce your risk profile with insurers, minimise the likelihood of prosecution and Civil Claim, but above all it will reduce the risk of harm to you, your staff, volunteers, your members, and the public.

We welcome any feedback or comment to this advice note that may help improve our advice to our members.

Appendix

Jargon Buster.

We list here some of the jargon used in the Risk Assessment process.

Foreseeable Risk – a hazard which a reasonable person should anticipate.

Likelihood - the state or fact of something's being likely or probable.

Risk – a situation involving exposure to danger.

Mitigation - the action of reducing the severity, seriousness, or painfulness of something

Hazard - a potential source of harm or adverse health effect on a person or persons.

These are simple dictionary definitions

HAZARD Examples

The following are examples of some of the risks you may wish to consider in your assessment

- Natural hazards such as unsafe trees, bank erosion, weirs etc.
- Danger to persons caused by livestock and claims for liability where livestock has been allowed to stray due to the negligence of a member of an angling club.
- Unsafe banks, stiles, gates, fences, barbed wire, fishing platforms and boats.
- Danger from overhead electric power lines and the risk of injury or death caused by lightening particularly when using carbon rods and poles.
- Risk of contracting Weil's disease.
- Safe management of working parties, the use of tools especially power tools, electro fishing techniques and lack of experienced supervision.
- Physical assault by anti-angling fraternity.
- Hazards in club rooms or fishing huts
- Injury to others arising from the use of poles, back-casting when fly fishing and beach casting etc.

This list is not exhaustive and there are many situations or physical HAZARDS that may be apparent in and around your fishery and not all those detailed may be appropriate or necessary in some circumstances, but as already mentioned, efforts to take due care and attention should not be considered to be negative if they ultimately prove to be of benefit to members and others. Make regular checks to ensure hazards and risks have not been exacerbated due to adverse weather or vandalism.



Risk Assessment Record Sheet

Name of Club.....

Location/Fishery.....

Completed By.....

HAZARDS Identified	CONFIRM OKAY – OR WORK REQUIRED	WORK COMPLETED/SATISFACTORY